

REMARKS

The Office examined claims 1-13 and rejected same. With this paper, claims 1-13 are amended, new claims 14-17 are added and none are canceled. The application now includes 17 claims.

**Claim Rejections under 35 USC §103**

Claims 1-13 are rejected under 35 USC §103(a) as being unpatentable over Bantukul *et al.* (U.S. Patent Application Pub. No. 2003/0091020) in view of Lorello *et al.* (U.S. Patent No. 6,459,904).

As described in the specification (for example, page 8, line 29 to page 9, line 10), the present invention pertains to determining attainability status of a mobile terminal device. The determination is performed prior to an actual delivery of a message (a communication) to the mobile terminal device.

Claim 1 recites a method. The method comprises a service center providing a query to a short message service center in a cellular network for obtaining attainability status of a mobile terminal device in order to determine whether to deliver a communication to the mobile terminal device, the short message service center responding to the query by evaluating connection related data stored in the short message service center, wherein the connection related data is related to messages pending for delivery to the mobile terminal device, and delivering the communication to the mobile terminal device in accordance with the attainability status.

None of the disclosures of Bantukul and Lorello teach determining attainability status of a mobile terminal device in the same way as the present invention. In particular, Lorello teaches steps for actually delivering a message to a mobile device (col. 4, lines 1-58, cited by the Examiner). These steps cannot be directly compared with the claimed invention. With

this paper, applicant has amended claims in a way that is believed to clearly distinguish the invention from the cited prior art.

The method as now recited in claim 1 includes a service center querying a short message service center for attainability status of a mobile device, to which the short message service center responds with the attainability status of the mobile terminal device by examining connection related data stored at the short message service center. An actually message to the mobile terminal device is then delivered in accordance with the attainability status of the mobile device. The apparatus claims are also amended to include same limitations of the method claims.

Accordingly, the current invention as recited in currently amended claim 1 is not obvious with regard to Bantukul in view of Lorello. Applicant respectfully requests the rejections under USC §103(a) be withdrawn.

## Conclusion

For all the foregoing reasons, it is believed that all of the claims in the instant application are allowable, and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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